

HOLWELL SHUSTER & GOLDBERG LLP

MEMO ENDORSED

April 9, 2024

VIA ECF

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
40 Foley Square
New York, New York 10007

Re: *In re Blue Skye Financial Partners S.à r.l.*, No. 1:22-mc-00171-KPF (S.D.N.Y.)

Dear Judge Failla,

We write on behalf of petitioner Blue Skye Financial Partners S.à r.l. (“Blue Skye”) to respectfully request permission for leave to file a pre-motion letter brief and accompanying exhibit provisionally under seal, with redacted versions filed publicly, until the respondent in this proceeding has an opportunity to show why these documents should remain sealed, as it is petitioner’s position that sealing is unwarranted.

The document to be filed with redactions is a pre-motion letter brief to be filed today, April 9, 2024, along with an exhibit which is to be filed under seal (Exhibit A to the April 9 pre-motion letter). Both the pre-motion letter and its accompanying Exhibit A contain information subject to a protective order in this proceeding. *See* Dkt. 87 (memo endorsement of Amended Stipulated Protective Order).

In petitioner’s view, none of the information contained in the pre-motion letter or in Exhibit A reflects information that warrants sealing under the Second Circuit’s strict standard. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006); *see also* Individual Rule ¶ 9 (“Electronic Filing Under Seal in Civil and Miscellaneous Cases”). Therefore, petitioner believes that the information submitted here should be unsealed. Nevertheless, in order to comply with the protective order between the parties, petitioner asks the Court to order provisional sealing of the material so as to provide respondent EMC with an opportunity to move for permanent sealing.

Respectfully submitted,
/s/ Vincent Levy

Application GRANTED. The Clerk of Court is directed to maintain docket entry 90 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 88.

Dated: April 10, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE